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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/500,683

Filing Date: July 02, 2004

Appellant(s): VAN DOORN, MARKUS GERARDUS

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Dan Piotrowski  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 09/24/08 appealing from the Office action mailed 10/17/07.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being unpatentable by Picco et al (US Patent 6,868,292 B2). Hereinafter referred as Ficco.

Regarding claims 1, 5, 7, and 12, Ficco discloses a method, system and computer program of controlling application devices comprising (**Figure 1**): retrieving first documents (**HTML File (801) in figure 9**) from a first set of application devices by a server (**Host Processor (815) in figure 9**); retrieving identification of a user by the server (**column 16 lines 4-6**); characterized in that the method further comprises the steps of: autonomously generating second documents by the server, each comprising at least one instruction, on the basis of at least a part of the retrieved identification of the

user and at least a part of the first documents (**column 16 lines 1-4**); sending at least one of the second documents to each device of a second set of the application devices by the server (**column 16 lines 14-26**); and performing, for a given device of the second set, one instruction from at least one of the second documents received in the given device (**HP 310 issues commands (S15) in figure 13**).

Regarding claims 2, 6, 8, and 13, Ficco discloses a method, system and a computer program (**Column 20 lines 8-11**) according to claim 1, characterized in that the step of retrieving identification of the user further comprises the steps of retrieving user profile information based on the user identification by the server (**Column 16 lines 4-6**); and retrieving context profile information relating to surroundings of the user by the server (**Column 16 lines 6-13**).

Regarding claims 3, 9, 14, and 17, Ficco discloses a method according to claim 1, characterized in that the documents comprise at least one of Hyper Text Markup Language (**Column 8 lines 5-6**), Scalable Vector Graphics, Resource Description Framework and Extensible Markup Language (**column 8 lines 14-16**).

Regarding claims 4, 10-11, 15-16, and 18-19, Ficco discloses a method according to claim 1, characterized in that the application devices comprise at least one of Web tablet, set-top box, VCR, TV, PDA, lamp, coffee machine, radio, telephone, background wall, DVD player and electronic information panel (**Figure 1**).

**(10) Response to Argument**

Appellant argues on page 7 third paragraph, "Ficco fails to teach generating second documents on the basis of at least a part of the retrieved identification of the user and at least a part of first documents and sending at least one of the second documents to each device of a second set of the application devices by the server." While appellants point is understood examiner disagrees. Ficco discloses in (column 18 lines 15-28) a user subscribing to a service provider by an NSP. This shows a system must be able to identify a user to be able to retrieve information. In addition, (column 18 lines 32-39) the user would query the NSP to display a suitable web page or screen in which the user may input preferences and/or select desired scripts. This may be effected by the well-known shopping cart model, where the user selects scripts to be temporarily buffered until ready to "check-out." This also shows how a user is identified as in the shopping cart model. It should also be noted that appellant's disclosed documents are HTML or web pages (page 1 of spec). Clearly web pages and scripts meet the limitation of documents.

Appellant also argues on page 8 fifth paragraph, "Ficco fails to teach generating second documents on the basis of at least a part of a retrieved identification of the user." Examiner again respectfully disagrees. While appellant's point is understood, it must be considered that the same paragraph cited (column 16 lines 62-67) continues to (column 17 lines 1-2). This last section mentions a customer is able to select and pay for a particular "pay-per-script" event. This shows that a selective script is retrieved from

a user's choice. Therefore, appellant's argument that the cited text fails to retrieve identification of the user is clarified.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Franklin Andramuno

/F.A./

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